



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: July 07, 2010

ATTENTION: Land Use and Housing Committee Chairman and Committee Members
Agenda of July 14, 2010

SUBJECT: OVERLAND AVENUE EXPANSION

REQUESTED ACTION:

Declaring that portion of Overland Avenue, north of Clairemont Drive, to be a portion of the county highway system for the purposes of acquisition and improvements, pursuant to Division 2, Chapter 9, Articles 3 and 5, of the Streets and Highways (S&H) Code, Section 1700.

STAFF RECOMMENDATION:

Approve the requested action.

BACKGROUND:

As a condition of the construction of the County's new Operation Center, the City is requiring the County to widen portions of Overland Avenue north of Clairemont Drive, to mitigate traffic impacts as a result of their project. The Streets and Highways Code (Division 2, Chapter 9, Article 3 and 5, Section 1700) provides a procedure for cooperation between a city and county to declare a city street as a county highway for purposes of acquisition and improvements. Following completion of the acquisition and improvements, the easements will become part of the City street system.

FISCAL CONSIDERATIONS:

All costs and expenses will be borne by the County.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None

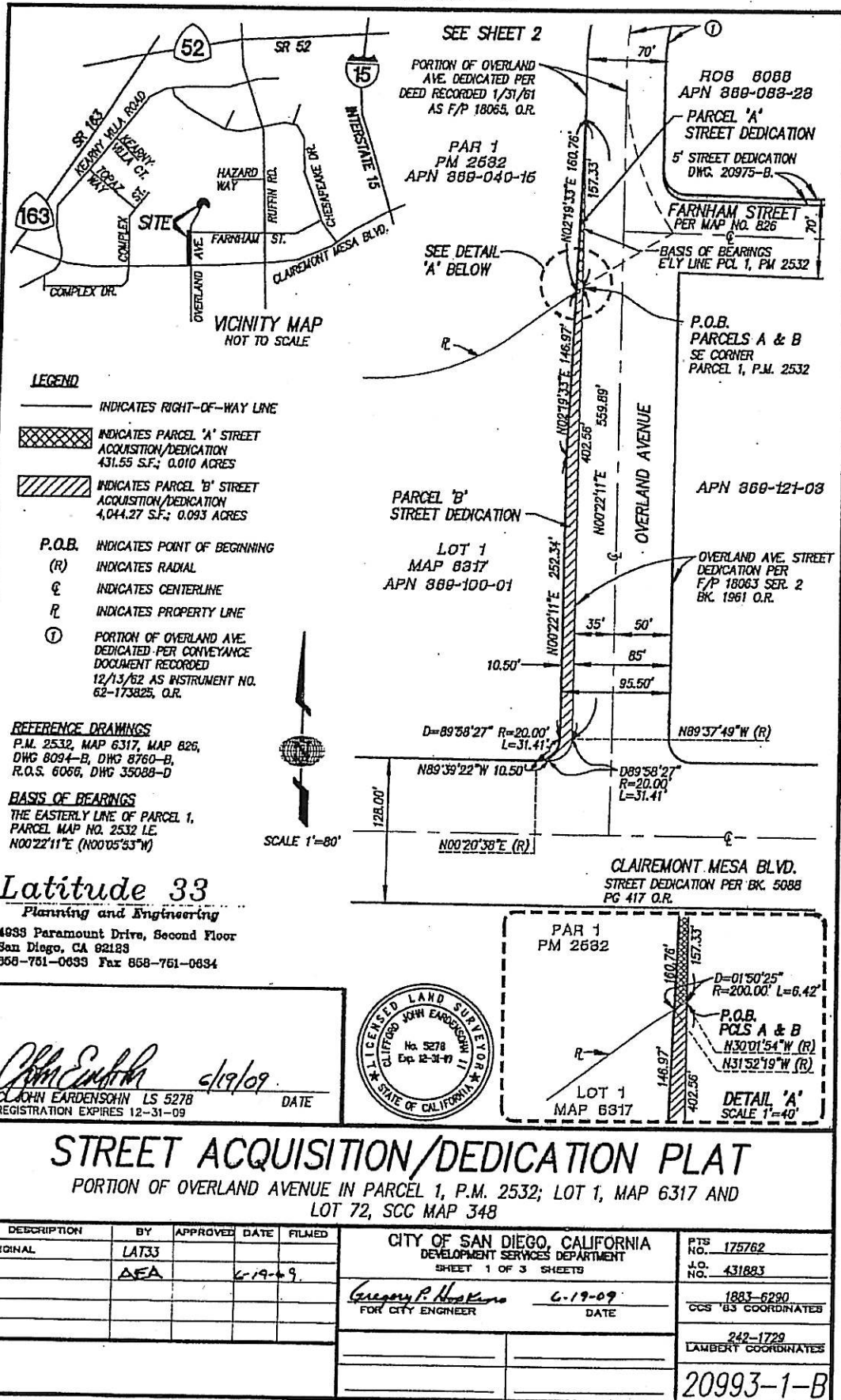
KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The widening of Overland Avenue from two to four lanes, installation of left-turn lanes and the installation of a new three-way traffic signal will reduce traffic congestion in the area impacted by the County's project.

James F. Barwick, Director
Real Estate Assets Department

David Jarrell
Deputy Chief, Public Works

EXHIBIT 'B'



RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION AUTHORIZING THE CITY OF SAN DIEGO'S
CONSENT TO THE COUNTY OF SAN DIEGO'S
RESOLUTION DECLARING PORTIONS OF OVERLAND
AVENUE TO BE A COUNTY HIGHWAY FOR THE
COUNTY'S PURPOSES OF ACQUISITION OF EASEMENTS
AND IMPROVEMENTS TO OVERLAND AVENUE.

WHEREAS, the County of San Diego [County] is currently constructing Phase 1A of its County Operations Center and Annex Redevelopment Project [Project], located at 5555 Overland Avenue in Kearny Mesa; and

WHEREAS, the City of San Diego [City] is requiring the County to construct certain improvements, including the widening of Overland Avenue, to mitigate traffic impacts resulting from the Project; and

WHEREAS, the affected portion of Overland Avenue is located north of Clairemont Mesa Boulevard in Council District 6, and the property needed to widen Overland Avenue is owned in fee by San Diego Gas & Electric [SDG&E]; and

WHEREAS, Division 2, Chapter 9, Articles 3 and 5, of the Streets and Highways [S&H] Code, Section 1700 *et. seq.*, provides a procedure for cooperation between a city and county to declare a city street as a county highway for purposes of acquisition and improvements; and

WHEREAS, following the stated S&H Code procedures, on April 27, 2010, the County of San Diego Board of Supervisors passed Resolution No. 10-058 (titled "Resolution of the Board of Supervisors Declaring a Portion of City Street Overland Avenue to be a County Highway for Purposes of Acquisition and Improvement and Requesting the Consent of the City

of San Diego” and attached hereto as “Attachment 1”) providing: “That it is of general County interest that the portions of Overland Avenue, as shown on Exhibits “A” and “B”, be made a County highway for purposes of acquisition and improvement, which improvement includes widening the street from two to four lanes, installing left-turn lanes, installing a new three-way traffic signal at the intersection of Overland Avenue and Farnham Street, constructing new sidewalks, under-grounding existing utilities, and installing landscape improvements.” and declared the described property to be a County highway for purposes of allowing the County to acquire the easements and construct the improvements; and

WHEREAS, the County Board of Supervisors’ Resolution No. 10-058 further resolved that “after acquisition and improvement, said easements will become part of the City street system”; and

WHEREAS, pursuant to the S&H Code, the County now needs the City’s consent to the County’s inclusion of city streets into its County highway system for acquisition and improvement purposes; and

WHEREAS, as it is a requirement of the City’s Development Services Department that the County construct certain improvements, including the widening of Overland Avenue, it is in the City’s general interest that said portion of Overland Avenue be made a County highway for purposes of acquisition of the right-of-way easements and construction of the improvements, in accordance with City-approved plans and permits; and

WHEREAS, all costs and expenses associated with the County’s action(s) shall be borne by the County; NOW, THEREFORE,

BE IT RESOLVED, that the City Council consents to the County's inclusion of a portion of Overland Avenue (as shown on Attachment 1, Exhibits "A" and "B") as part of the County's highway system for acquisition and improvement purposes.

BE IT FURTHER RESOLVED, that the City's consent is contingent upon, and this Resolution and the City's consent shall not become effective until: (a) the City is listed as an additional insured on all insurance policies issued for the County's Project; (b) the City is fully indemnified and held harmless against any and all claims and liability which may result from the County's Project; and (c) a writing(s) setting forth a City-approved indemnification and hold harmless agreement is delivered to the City.

BE IT FURTHER RESOLVED, that the City's consent is further contingent upon the County's agreement, upon completion of its Project, that the County shall adopt another resolution declaring that the affected portion of Overland Avenue is no longer a County highway, returning the affected portion of Overland Avenue to the City's street system, along with the acquired right-of-way easement rights.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this Resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:


Debra J. Bevier
Deputy City Attorney

DJB:mm
05/20/2010
Or.Dept: READ
R-2010-843
MMS#12237

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Resolution No. _____
Meeting Date: April 27, 2010 (Item #___)

RESOLUTION OF THE BOARD OF SUPERVISORS DECLARING
A PORTION OF CITY STREET OVERLAND AVENUE TO BE A
COUNTY HIGHWAY FOR PURPOSES OF ACQUISITION AND
IMPROVEMENT AND REQUESTING THE CONSENT OF THE
CITY OF SAN DIEGO

WHEREAS, on April 8, 2008 (7), the County of San Diego (County) Board of Supervisors certified the Final Environmental Impact Report for the County Operations Center and Annex Redevelopment Project (the "Project") (SCH 2007071142), in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS Phase 1A of the Project, consisting of two 150,000 square foot office buildings and a seven-level parking structure is currently under construction; and

WHEREAS, the City of San Diego is requiring improvements to several public streets and intersections surrounding the Project to mitigate for traffic impacts resulting from the Project; and

WHEREAS, the County is now considering the adoption of a Resolution of Public Necessity to begin an eminent domain action to acquire the necessary property interests from San Diego Gas & Electric Company needed to widen and improve Overland Avenue and the Overland Avenue/Farnham Street intersection; and

WHEREAS, the required road improvements lie on a portion of Overland Avenue, north of its intersection with Clairemont Boulevard, that falls within the jurisdiction of the City of San Diego ("City"); and

WHEREAS, all of the parcels necessary for the road improvements required for this Project lie within the City; and

WHEREAS, acquisition of the easements in these parcels is necessary for the Project; and

WHEREAS, the County is willing to acquire these easements and to provide for the construction and improvements of the Project at no cost to the City; and

WHEREAS, the County is willing to temporarily accept as a County Highway, that portion of Overland Avenue, north of Clairemont Mesa Blvd., lying within the City; and

WHEREAS, Division 2, Chapter 9, Articles 3 and 5 of the Streets and Highways Code, beginning with Section 1700, provides a procedure for cooperation between a City and County for the extension of County highways through cities.

NOW, THEREFORE BE IT RESOLVED by this Board that:

1. The above recitals are found to be true and correct.
2. That it is of general County interest that the portion of Overland Avenue, as shown on Exhibit "A", be made a County highway for purposes of acquisition and improvement, which improvement includes widening the street from two to four lanes, installing left-turn lanes, installing a new three-way traffic signal at the intersection of Overland Avenue and Farnham Street, constructing new sidewalks, under-grounding existing utilities, and installing landscape improvements.
3. That the property described above is declared to be a County highway, for purposes of allowing the County to acquire the easements and construct the improvements.
4. That those easements necessary for the required improvements lying within the City, namely, the parcels described as Parcel Nos. 2010-0020-A, B, D, E & F (as depicted in Exhibits "A" & "B"), may be acquired by the County for the purposes of construction and improvements to Overland Avenue.
5. That after acquisition and improvement, said easements will become part of the City street system.
6. That the City Council of the City of San Diego is requested to adopt a resolution giving its consent to the provisions of this resolution.
7. That the Clerk of the Board of Supervisors is directed to deliver certified copies of this Resolution to the City of San Diego Manager, the City Attorney, the Mayor and the Council Member whose district is affected, for purposes of adopting said Resolution of Consent.

ON MOTION of Supervisor _____, seconded by Supervisor _____, the above Resolution was passed and adopted by the Board of Supervisors on this ____ day of _____, 2010 by the following vote:

AYES:

STATE OF CALIFORNIA)
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors